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SONJA ALVAREZ

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

SALVADOR SILVA, DECEASED, by and through )  
his Successor in Interest, SONJA ALVAREZ, )  
SONJA ALVAREZ, Individually, )

Plaintiff,

vs.

SAN JOAQUIN COUNTY, a public entity; SAN )  
JOAQUIN COUNTY SHERIFF-CORONER )  
PATRICK WITHROW, in his individual and official )  
capacities; ROBERT HART, M.D.; FOZIA NAR, )  
L.V.N.; MARY CEDANA, R.N.; SARAI )  
HARDWICK, L.V.N.; CYNTHIA BORGES- )  
ODELL, MFT; NICHOLE WARREN, P.T.; )  
MANUEL RODRIGUEZ-GALAVIZ, MFT; )  
MARICEL MAGAOAY, L.V.N.; MANDEEP )  
KAUR, R.N.; CHERYL EVANS, A.S.W.; )  
CHRISTEL BACKERT, FNP; ROBYN MENDOZA, )  
NP, and DOES 1–20; individually, jointly, and )  
severally, )

Defendants.

Case No. 2:20-cv-01461-JAM-KJN

**AMENDED STIPULATION AND**  
**ORDER TO MODIFY**  
**SCHEDULING ORDER (ECF**  
**Nos. 33, 37)**

1 All parties, by and through their counsel of record, stipulate and hereby move this Court to  
2 modify its February 17, 2023, and March 23, 2023, Scheduling Orders (ECF Nos. 33 and 37).

3 Good cause exists to grant the requested extension:

4  
5 1. This is a civil rights, wrongful death, and survival action arising from the suicide of  
6 pretrial detainee, Salvador Silva, on August 1, 2019, at the San Joaquin County jail.

7 2. This case involves thirteen named Defendants. The parties have exchanged  
8 voluminous written discovery and have resolved several discovery disputes by extensively meeting  
9 and conferring. The parties have had to postpone some witness depositions due to the witnesses'  
10 medical conditions. The parties had to postpone Defendant Robert Hart, MD's, deposition in  
11 Seattle, Washington, which was scheduled for February 16, 2023, due to the death of Plaintiff  
12 Michael J. Haddad's stepfather, which required Plaintiff's counsel to travel to Detroit, Michigan.  
13 [Plaintiff's counsel, Michael J. Haddad and Julia Sherwin, are married].  
14

15 3. Then Mr. Haddad's father died on May 9, 2023, which again required Plaintiff's  
16 counsel to travel to Detroit.

17 4. Due to counsels' conflicting trial and trial preparation schedules, two Defendants'  
18 inability to travel for their depositions, time limitations on Defendants' depositions created by their  
19 work schedules and illnesses of some of them and their family members, and the above-referenced  
20 deaths in the family of Plaintiff's counsel, the parties had difficulty completing noticed depositions  
21 in this matter. The parties have completed fifteen depositions so far, and have a handful of  
22 depositions still to complete.  
23

24 5. Once the depositions are completed, the parties' experts need time to review the  
25 transcripts in order to prepare their reports.

26 6. Additionally, Plaintiff's counsel's small law firm has had repeated COVID-19  
27 infections among some of its staff, while completing voluminous fact and expert discovery, and  
28

dispositive motions, in several other cases, all of which are complex wrongful death or catastrophic injury cases. Plaintiff's counsel have also had recent departures of an associate attorney and a paralegal, whom they have not had time to replace due to trial preparation in another case.

7. Plaintiff's counsel will be in back-to-back wrongful death trials beginning June 28, 2023. Plaintiff's counsel will begin trial before this Court in a complex wrongful death case, *Johnson v. California Forensic Medical Group, Inc., et al*, 2:19-cv-01722-JAM-DB, on June 28, 2023. Plaintiff's counsel are then double-booked for lengthy wrongful death trials in *Atayde v. Napa State Hospital*, E.D. Cal. Case No. 1:16-cv-00398-ADA-SAB, beginning August 8, 2023, and *Smart v. California Highway Patrol, et al*, E.D. Cal. Case No. 2:17-CV-01075-DAD-JDP, beginning August 21, 2023. It is possible the *Smart* case may settle at a mediation on June 16, 2023, but the *Atayde* case will go to trial.

8. Plaintiff's counsel will not have time to complete necessary depositions while preparing for and conducting trial in the other cases.

9. The parties are represented by experienced counsel who have worked cooperatively together throughout this litigation and will continue to do so.

10. On June 9, 2023, the parties filed a Stipulation and (Proposed) Order to extend the expert disclosure and discovery dates only (ECF No. 40), without impacting the trial and final pretrial dates. The Court informed the parties that further dates would have to be continued. With guidance from the Court, the parties request a continuance of the deadlines in this case, as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Expert Disclosures	July 28, 2023	October 20, 2023
Rebuttal Expert Disclosures	August 18, 2023	November 3, 2023
Joint Mid-Litigation Statement	September 28, 2023	December 22, 2023

(two weeks before discovery cutoff)		
Expert Discovery Cutoff	October 12, 2023	January 5, 2024
Fact Discovery Cutoff	October 12, 2023	January 5, 2024
Dispositive Motion Filing	November 10, 2023	March 8, 2024
Dispositive Motion Hearing	January 9, 2024, at 1:30 p.m.	May 7, 2024, at 1:30 p.m.
Final Pretrial Conference	March 15, 2024, at 10:00 a.m.	July 12, 2024, at 11:00 a.m.
Trial	April 22, 2024, at 9:00 a.m.	August 26, 2024, at 9:00 a.m.

For the foregoing reasons, the parties respectfully request that this Court enter an order modifying the Scheduling Order in this case as set forth above.

Dated: June 14, 2023

HADDAD & SHERWIN LLP

/s/ Julia Sherwin

JULIA SHERWIN  
Attorneys for Plaintiff

Dated: June 14, 2023

BURKE, WILLIAMS & SORENSON, LLP

/s/ Gregory R. Aker

GREGORY R. Aker  
Attorneys for Defendants

**ORDER MODIFYING PRETRIAL SCHEDULING ORDER**

Based on the parties' stipulation, and with good cause appearing,

IT IS HEREBY ORDERED that the Pretrial Scheduling Order (ECF Nos. 33, 37) is

**MODIFIED** as follows:

<b><u>Event</u></b>	<b><u>Current Date</u></b>	<b><u>New Date</u></b>
Expert Disclosures	July 28, 2023	<b>October 20, 2023</b>
Rebuttal Expert Disclosures	August 18, 2023	<b>November 3, 2023</b>
<b>Fourteen (14) days prior to the close of discovery</b>		
Expert Discovery Cutoff	October 12, 2023	<b>January 5, 2024</b>
Fact Discovery Cutoff	October 12, 2023	<b>January 5, 2024</b>
Dispositive Motion Filing	November 10, 2023	<b>March 8, 2024</b>
Dispositive Motion Hearing	January 9, 2024, at 1:30 p.m.	<b>May 7, 2024, at 1:30 PM<sup>1</sup></b>
Final Pretrial Conference	March 15, 2024, at 10:00 a.m.	<b>July 12, 2024, at 11:00 AM</b>
Trial	April 22, 2024, at 9:00 a.m.	<b>August 26, 2024, at 9:00 AM</b>

Counsel shall contact Judge Mendez' courtroom deputy, M York, via e-mail at [myork@caed.uscourts.gov](mailto:myork@caed.uscourts.gov), prior to filing a stipulation and proposed order to continue the dates set forth in the Pretrial Scheduling Order and this order.

IT IS SO ORDERED.

Dated: June 14, 2023

/s/ John A. Mendez

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THE HONORABLE JOHN A. MENDEZ  
SENIOR UNITED STATES DISTRICT JUDGE

<sup>1</sup> Calendars are subject to last minute changes. Contact the Courtroom Deputy for available dates.